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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,160	07/09/2001	Kia Silverbrook	YU128US	6620
24011 7590 04/06/2007 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			EXAMINER ALANKO, ANITA KAREN	
			ART UNIT 1765	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/06/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/900,160

Applicant(s)

SILVERBROOK

Examiner

Anita K. Alanko

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/112,778.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/3/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added claim limitation of claim 1 of “depositing and etching a layer of actuator material...” is unclear because it is unclear where the layer is deposited. Is it deposited on the wafer substrate or on a separate substrate? It is also unclear as to whether there are two different actuators, or whether one actuator serve as both an ejection and a refill actuator.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albarda et al (US 5,029,805) in view of Waggener et al (US 4,733,823).

Albarda discloses a method comprising:

providing a wafer substrate 1 with nozzle chambers 7;

depositing and etching a layer of actuator material to define an ejection actuator and a refill actuator for each nozzle chamber (Fig.1-5 all show different actuating methods, and each

have an actuator that serves to both eject and refill the nozzle chamber, inherently since no separate refill mechanism is disclosed).

Albarta fails to disclose how the nozzle chambers in silicon (col.2, lines 29-34) are formed.

Waggener discloses a method for forming nozzle chambers comprising:

depositing a layer of etch stop material 17 on a front side of a wafer substrate 10 (Fig.4, vol.3, lines 58-61);

etching the substrate up to the etch stop material to define a plurality of nozzle chambers 11 (Fig.1) and so that portions of the etch stop layer define roof walls for respective nozzle chambers (Fig.6); and

etching each said portion of the etch stop layer (the doped layer 17) to form at least one ink ejection port 13 in each said portion (Fig.8).

The advantage of using the method of Waggener is that it uses standard semiconductor wafers without the need for mechanical or chemical polishing of the two major surfaces of the wafer. It would have been obvious to one with ordinary skill in the art to form the nozzle chambers in the method of Albarta by using the method of Waggener because Waggener teaches that it is a useful method for forming nozzle chambers and nozzle openings without the need for mechanical or chemical polishing of the two major surfaces of the wafer, and because it uses known semiconductor techniques that are well known to those skilled in the art, and therefore able to be integrated into silicon processing methods such as that of Albarta.

As to claim 2, Albarta discloses to include drive circuitry on a back side of the wafer substrate (col.5, lines 23-27).

As to claim 3, the method of Albarta includes each actuator connected to drive circuitry (since there is only one actuator that performs both ejection and refill).

***Response to Amendment***

The 35 USC 102 and 103 rejections over Waggener and Waggener et al (US 4,733,823) in view of Shimada et al (US 5,802,686) are withdrawn in view of the claim amendments adding that the actuator material is deposited and etched.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over newly cited Albarda et al (US 5,029,805) in view of Waggener et al (US 4,733,823). Albarda discloses depositing and etching actuator material.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art shows methods of forming actuators for inkjet printheads.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Anita K. Alanko*  
Anita K Alanko  
Primary Examiner  
Art Unit 1765